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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,722	09/05/2003	Lilip Lau	PARÇR 66117	8236
	7590 07/16/2007 n Lee & Utecht LLP	EXAMINER		
Howard Hughes Center 6060 Center Drive Center Los Angeles, CA 90045			LACYK, JOHN P	
			ART UNIT	PAPER NUMBER
	•		3735	
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			MAIL DATE	DELIVERY MODE
			07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extenditions for many be evaluate under the provious of 37 GF1 1/36(n). In no event, however, may anely be simely filled between the provious of 37 GF1 1/36(n). In no event, however, may anely be simely filled in the provious of 37 GF1 1/36(n). In no event, however, may are up to simply filled in the provious of the provi	\mathcal{H}						
Examiner		Application No.	Applicant(s)				
John P. Lacyk 3735		10/656,722	LAU ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Exercision of tense rays be available under the provisions of 37 CPT 1 130(a). In no event, however, may a resy be tensely filled. - Exercision of tense rays be available under the provisions of 37 CPT 1 130(a). In no event, however, may a resy be tensely filled. - If No provide to resy is specified above, the maximum statutory provide will apply and will expire (Xi) MONTH'S from the making date of this communication. - Failure to restly within the set or extended period intends after the minang date of this communication. Set of the provision of the contrainment of the contrainm							
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Elementor of time may be available under the provision of 37 CFR 11-30(a). In or event, however, may a reply be timely filled after SIX (6) MOSTINS from the mailing date of this communication. of 15 CFR 11-30(a). In order to the communication of 15 CFR 11-30(a). The communication of 15 CFR 11-30(a) and provided the six (6) MOSTINS from the mailing date of this communication. A property with the set or coencided provide for reply vill. by status, case the application to second ABANCONFO, 15 U.S.C. § 133). Any reply received by the Office lister than three months after the mailing date of this communication, even if timely filed, may reduce any search patient term digitation. A produce any search patient term digitation is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) © Claim(s) 19 and 30-44 is/are pending in the application. 4a) Of the above claim(s) is/are epided to. 5) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are rejected to. 8) ☑ Claim(s) 19 and 30-44 are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the corrections required from drawing(s) objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have bee	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	ddress			
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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 19 and 41-44, drawn to method of manufacturing a cardiac harness, classified in class 29, subclass 557.
- Claims 30-40, drawn to method of manufacturing a cardiac harness,
 classified in class 29, subclass 557.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are not capable of being used together since they are directed to different methods of manufacturing. Group I is directed to a flat sheet of conductive material that is etched into a spring member, while Group II is directed to a wire, which is not a flat sheet and claims no etching step.
- 3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Lacyk whose telephone number is 571-272-4728. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chuck Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John P Lacyk

Primary Examiner Art Unit 3735

J.P. Lacyk